#### **BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS**

#### REGULAR MEETING AGENDA

#### **MARCH 4, 2009**

#### 7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL
PRAYER
APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF 2/18/09
ITEMS NOT ADDRESSED ON THE AGENDA
PUBLIC COMMENT ON ANY PUBLIC MATTER
CHIEF EXECUTIVE'S REPORT

#### **SECTION I**

#### **PUBLIC HEARING**

FOR THE PURPOSE OF HEARING COMMENTS ON PETITION NO. 09-1 FILED BY WHEELER FAMILY LLC TO CLOSE AND VACATE A PORTION OF THE ALLEY WITHIN BLOCK 1 OF THE STOREY ADDITION AND ABUTTING THE SPRUCE LODE MINING CLAIM. (Petition No. 09-1 being held in the Public Works Committee) **Proof of publication** 

#### **SECTION II**

#### **PUBLIC HEARING**

FOR THE PURPOSE OF HEARING COMMENTS ON PETITION NO. 09-2 FILED BY PARK STREET PARTNERSHIP, LLC TO CLOSE AND VACATE AN ALLEY WITHIN THE LIZZIE LODE AND THE COLORADO LODE. (Petition No. 09-2 being held in the Public Works Committee) **Proof of publication** 

#### SECTION III INVITATION FOR BIDS

SEALED BIDS FOR TITLE AND LIEN SEARCH FOR 2009 COUNTY TAX DEED PROCESS. (Communication No. 09-93 being held in Committee of the Whole) **Proof of publication** 

#### SECTION IV INVITATION FOR BIDS

SEALED BIDS FOR INSTALLATION OF PRECAST CONCRETE CULVERTS, SILVER BOW CREEK GREENWAY. (Communication No. 09-106 being held in Committee of the Whole) **Proof of publication** 

#### SECTION V PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS REGARDING THE ALLOCATION OF FUNDS FROM THE MONTANA DEPARTMENT OF COMMERCE AND TO CONSIDER A RESOLUTION THAT WILL AMEND THE FY 2008-2009 BUDGET TO CREATE BUDGET AUTHORITY FOR THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT AWARDED TO THE CITY AND COUNTY OF BUTTE-SILVER BOW IN THE AMOUNT OF \$50,000.00. (Communication No. 09-128) Proof of publication

## SECTION VI PRESENTATION COMMUNICATION NO. 09-147

Cindy McIlveen, Public Works Department, requesting concurrence to authorize the submission of project proposals to the State of Montana 2009 Natural Resource Damage Program and to request time for public comment on proposed projects.

#### **SECTION VII**

#### **CONSENT AGENDA**

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
  - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
  - 3. JUDICIARY COMMITTEE MEETING REPORT
  - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

#### B. COMMUNICATIONS.

- 1. 09-125 Richard I. Gibson, regarding support for efforts to preserve vacant building at 88 E. Park Street known as the Greek Café Building. **Recommendation: place on file.**
- 2. 09-126 Paul Babb, Chief Executive, requesting concurrence in appointment of John P. Morgan to East Butte RRA Board. Recommendation: concur and place on file
- 3. 09-127 Gene Whelchel, requesting changes in ordinances for water system regulations. **Recommendation: refer to Public Works Committee.**

- 4. 09-128 Karen Byrnes, Community Development Director, requesting time on the 3/4/09 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget.

  Recommendation: concur and set public hearing for 3/4/09.
- 5. 09-129 Karen Byrnes, Community Development Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 6. 09-130 Paul Babb, Chief Executive, requesting concurrence in appointment of Mike Johnson to the Tax Increment Financing Industrial District Board: **Recommendation: concur and place on file.**
- 7. 09-131 Tim Clark, Personnel Director, regarding amendment #6 to the Butte-Silver Bow Group Health Insurance Plan.

  Recommendation: concur and place on file.
- 8. 09-134 Paul Babb, Chief Executive, requesting concurrence in Appointment of Mark Moodry to the Headwaters RC & D Board of Directors. **Recommendation: concur and place on file.**
- 9. 09-135 Ed Randall, Community Enrichment Program Manager, requesting approval to place a lien on for costs associated with the demolition of the structure at 307 W. Granite in the amount of \$13,589.00.

  Recommendation: concur and place on file.
- John P. Walsh, Sheriff, requesting approval to apply for Justice Assistance Grant through the U. S. Department of Justice, Bureau of Justice Assistance. **Recommendation: concur and set public hearing for 4/25/09.**
- 11. 09-138 Rob Macioroski, Director Land Office, requesting authorization to reissue Developer's Packet for city-county owned property in the 1100 block of Caledonia. **Recommendation: concur and place on file.**
- 12. 09-139 Tim Clark, Personnel Director, regarding retirement as Personnel Director. **Recommendation: concur and place on file.**
- 13. 09-140 Rick Larson, Health Officer, awarding installation of heating system at the Kelley Mine Block House to low bidder, Lockmer Plumbing. **Recommendation: concur and place on file.**
- 14. 09-141 Karen Byrnes, Director Community Development Department,

requesting authorization for Chief Executive to enter into Change Order No. 1 for the CDBG Main Street Rehab Project.

Recommendation: concur and place on file.

- 15. 09-142 Karen Byrnes, Community Development Department Director, requesting authorization for Chief Executive to enter into Homeowner Deferred Repayment Assistance Agreement and Housing Rehabilitation Lien Agreement for 833 S. Main Street. Recommendation: concur and place on file.
- 16. 09-143 Dan Dennehy, Public Works Director, regarding price quotation for Aries PE 3400 Pathfinder Camera and Controller for inspection and documentation of sanitary sewer and storm lines. **Recommendation: concur and place on file.**
- 17. 09-144 Dan Dennehy, Public Works Director, requesting Butte-Silver Bow grant access to property and alley ways and utility easements located within 200' Northwest of Front Street and between California and Nevada Streets. **Recommendation:** concur and place on file.
- 18. 09-145 Dan Dennehy, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 19. 09-146 Ellen Crain, Archives Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 20. 09-148 Lori Casey, Senior Planner, requesting conditional approval of the Preliminary Plat of the Petersen Minor Subdivision.
   Recommendation: concur and place on file.
- 21. 09-150 Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign lease agreement with the La Mar Companies for two existing billboards located on county owned land in the TIFID #2. **Recommendation: concur and place on file.**
- J. Ray Haffey, President Fairmont Homeowners Association, requesting replacement of Neighborhood Watch signs and also yield or stop sign at the junction of High Country Drive and Shirley Way. **Recommendation: refer to Public Works**Committee.
- 23. 09-152 Jeff Amerman, Finance and Budget Director, requesting

authorization for Chief Executive to execute two engagement letters with Newland and Company. **Recommendation:** concur and place on file.

- 24. 09-153 Milo Manning, Chairman Greenway Service District, regarding notification of bid award for concrete culvert procurement for the Silver Bow Creek Greenway project.

  Recommendation: concur and place on file.
- 25. 09-154 Paul Babb, Chief Executive, requesting concurrence in appointment of Dave Palmer to Public Housing Authority.

  Recommendation: concur and place on file.

#### SECTION VIII COMMUNICATIONS TO BE READ AND ACTED UPON

- 1. 09-132 Rick Anderson, Mc Keon and Anderson, P. C., requesting information on what projects Butte-Silver Bow intends to try to fund through the Stimulus Package.
- 2. 09-133 Mollie Kirk, President of Butte Celebrations, requesting approval for events of the annual St. Patrick's Day Festivities.
- 3. 09-137 Don Kronenberger, Sr., Commissioner District 5, requesting possible placement of high power line through Commissioner District 5.
- 4. 09-149 John P. Walsh, Sheriff, requesting time on the 3/4/09 agenda for confirmation of probationary police officer Kyle Barsness as permanent member of the Butte-Silver Bow Law Enforcement Department.

## SECTION IX ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

#### 1. COUNCIL RESOLUTION NO. 09-14

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PETERSEN MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### **SECTION X**

### ORDINANCES AND RESOLUTIONS – SECOND READING

## 1. COUNCIL BILL NO. 09-2 ORDINANCE NO. 09-2

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB THE **BUTTE-SILVER** BOWAMENDING REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11, REOUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION OF APPENDIX A, FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### **SECTION XI**

## ORDINANCES AND RESOLUTIONS - FINAL READING

## 1. COUNCIL BILL NO. 09-1 ORDINANCE NO. 09-1

AN ORDINANCE AMENDING SECTION 4 OF THE ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SPEED LIMIT;" ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION WITH HARRISON AVENUE AND CONTINUING WEST ALONG HOLMES AVENUE TO THE INTERSECTIONS WITH ROWE ROAD AND CONTINUING NORTHWEST ON ROWE ROAD AT 300 FEET NORTH OF THE INTERSECTION WITH LEXINGTON AVENUE, AN APPROXIMATE DISTANCE OF 1.3 MILES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### 2. COUNCIL RESOLUTION NO. 09-11

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING

UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE TO BE EXPENDED IN THE LAW ENFORCEMENT AGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### 3. COUNCIL RESOLUTION NO. 09-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE NATURAL RESOURCE DAMAGE PROGRAM TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO CONTINUE WORK ALONG THE SILVER BOW CREEK GREENWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### 4. COUNCIL RESOLUTION NO. 09-13

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING TO UNANTICIPATED REVENUE THE **BUTTE-SILVER DEPARTMENT** COMMUNITY **DEVELOPMENT** ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EOUIPMENT AND FINANCIAL SUPPORT TO THE GREENHOUSE NURSERY – HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### 5. COUNCIL RESOLUTION NO. 09-15

A RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS SERIES 2009 DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF.

#### SECTION XII CALENDAR OF OTHER MEETINGS AND EVENTS

Mar. 9 Archives Noon Archives Center
Mar. 10 Historic Preservation Commission 5:30PM 1st Floor Conference Room
Mar. 10 Parks and Recreation 9:00AM Chief Executive's Conference Room

Mar. 11	Fair Board	5:30 PM	<b>Business Development Center</b>
Mar. 11	Law Enforcement Commission	4:00PM (	Chief Executive's Conference Room
Mar. 11	Library	5:00PM	Library Building
Mar. 17	Housing Authority	5:30PM	Silver Bow Homes Housing
Mar. 17	<b>Technical Review Commission</b>	1:30 PM	Water Co. Building
Mar. 18	Community Enrichment	10:00AM	Health Department
Mar. 18	TIFID Board	11:30AM	<b>Business Development Center</b>

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## COMMITTEE OF THE WHOLE MEETING REPORT FEBRUARY 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

#### SECTION I PUBLIC HEARING

FOR THE PURPOSE OF PRESENTING INFORMATION ABOUT ON-GOING PLANNING EFFORTS TO UPGRADE THE CITY'S WASTEWATER TREATMENT PLANT. (Communication No. 09-117) **Proof of publication was noted and placed on file** 

Dan Dennehy, Public Works Director, said the presentation would be given by Scott Murphy of Morrison-Maierle who is our project director on our wastewater treatment plant. Scott Murphy, Project Manager, came to the microphone, handed out an outline of the presentation and gave his slide presentation.

Chairman Palmer opened the public hearing at 8:04 PM and called for any proponents. On the third and final call, he called for any opponents. Again, there was no response so he closed the public hearing at 8:05 PM

## SECTION II PRESENTATION COMMUNICATION NO. 09-115

Sherm Anderson and Tim Baker, requesting time on the 2/25/09 agenda to make a presentation on the Beaverhead-Deer Lodge Partnership.

Sherm Anderson, Deer Lodge, MT, the owner of Sum Mountain Lumber Co., came to the microphone. Also with him were Greg Monther, Bruce Farling and Charlie O'Leary. Greg Monther, career Forest Service, said he was here to try to help put together a workable partnership. Their solution was to harvest about 7,000 acres of vegetation a year and then go back in and do a restoration type of treatment. We also need to deal with wildlife well and equally with fish.

Bruce Farling, Executive Director of Montana Trout, Unlimited from Missoula said he represents 3400 anglers around the state. It's really important to him that his friend Sherm Anderson and his mill has a future and the jobs it provides. This proposal does essentially three basic things. It protects important parts of this forest's upper watersheds for water quality and fishery benefits, it provides some certainty for Sherm Anderson and other timber industry folks that they could have

a pipeline of trees from this forest done in an environmentally compatible fashion in the future, and it provides important resources -- when the trees get taken off this forest the value in receipts does not go back to Washington D.C. The value of those trees is traded directly locally for restoration services on that landscape.

Charlie O'Leary, Butte, 3060 Beef Trail Road, Chairman of Backcountry Horseman of Montana. We are a horseman's group primarily interested in doing things in the backcounty. We maintain a lot of trails, work a lot with the U.S. Forest Service, BLM, different land managing agencies. We also do a lot of education. We have endorsed the partnership. As a former commissioner, in 2004-2007 we watched the East Ridge turn red. This council chose not to be neutral during those years. We demanded that the forest service pursue a fuel reduction project in the watershed. We have not remained neutral and I don't believe that you can remain neutral now or any time in the future

Sherm Anderson said they are a group of industry individuals, a group of the Montana Wilderness Association, Trout Unlimited and others. Our concern for forest health, but also our concern for preserving jobs in this area and throughout the state.

Chairman Palmer than opened it up for any questions from commissioners.

It was moved by Commissioner Lee, seconded by Commissioner Moodry and carried with a unanimous verbal vote to place Communication 09-115 on file.

At this time Chairman Palmer called for a 5 minute break. The council reconvened with a roll call vote of 11 present, 1 presiding and 0 absent.

## SECTION III PRESENTATION COMMUNICATION NO. 09-120

Jeff Amerman, Director, Finance and Budget Department, requesting time on the 2/25/09 agenda to make a presentation on the new budget format.

Jeff Amerman showed a power point presentation and then took questions from the commissioners Committee recommends that Communication No. 09-120 be held in abeyance.

#### SECTION IV COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance.* 

#### SECTION IV-A COMMUNICATION NO. 09-93

Patsy Coates, Delinquent Property Specialist, requesting time on 3/4/09 agenda to conduct a bid opening for Title & Lien Search for 2009 Tax Deed Process. Committee recommends that Communication No. 09-93 be held in abeyance.

#### SECTION V COMMUNICATION NO. 08-801

Ellen Donohue, Attorney Montana Legal Services Association, requesting council renew the lease on the Jacobs House for six years. *Committee recommends that Communication No. 08-801 be held in abeyance.* 

#### SECTION VI COMMUNICATION NO. 09-69

Don Kronenberger, Commissioner District 5, regarding the issue of the "Partnership Strategy" and urging the council to re-visit their 2006 Resolution.

It was moved by Commissioner Moodry, seconded by Commissioner Hall to authorize Commissioner Kronenberger to draft a new stance on our forest policy, provide it back to this body for review and approval. On the question Commissioner Foley said Mr. Kronenberger does not need our approval to do that and I do not want to keep revisiting this. It is time we move on. This issue is going to be debated on the Congressional level. I cannot support this motion. Commissioner Schultz agreed with Mr. Foley. He doesn't think it is appropriate for this council to adopt a stance when we've tried to make it clear that we don't want to take one side over another side. Commissioner Lee also agreed with Commissioner Foley and made a substitute motion to place Communication No. 09-69 on file. The motion was seconded by Commissioner Granger. On the question Commissioner Hall said we are here for the our community. It's not finished and it's not fair. It Mr. Kronenberger is willing to write something for us to start working on making it fair then we should listen. Commissioner Morgan agreed with Commissioner Hall. Moodry said he agreed with what people are saying. I have no problem placing Mr. Kronenberger's communication on file. He can bring a new communication forward and we can review it at that point. We have to look at everyone's interest. We are on the record as supporting the Partnership Commissioner Palmer agreed with Commissioner Moodry. wasn't on the commission at the time in 2006 but it was as Mr. Lee stated as a last ditch effort to save the watershed, the Basin Creek Reservoir. Nothing was brought up at the time about Wilderness area or the rest of it. It was a logging issue to get the beetle pine out of there as quick as possible. And we are on record of supporting that, but I disagree that we should place this on file without at least -- if that's where you want to go and try to stay neutral or impartial, I think that we should withdraw the support that we gave back in 2006 and start over. I like the idea of drafting a new communication and coming up and trying to work out a new partnership of some sorts with all of the commissioners of outlying counties and our county and be a lead player in this new alliance and work with the congressional delegation to get some movement by the forest service to make things happen. But to just to keep our one letter of support and then say we are not going to do anything else for the other groups, I think that's wrong. Commissioner Foley said he is committed to this community and it's not the matter of not wanting to do the work for the people. The bottom line is, yes, I will support the Partnership Plan. I think it's a good plan. No, it's not perfect but it's going to get it to the Congressional level where it's going to be dealt with. Commissioner Frasz asked to vote on the motion on the floor. Commissioner Palmer said all those in favor of the substitute motion say aye. There were 9 yeas and 1 nay. Commissioner Morgan voting nay. The motion carries

At 9:13PM Chairman Palmer called for a 5 minute break. The Council reconvened at 9:21 PM with 11 present and 0 absent.

#### SECTION VII COMMUNICATION NO. 09-73

Frank Kriewald, requesting time on 2/18/09 agenda for County Commissioners from Beaverhead, Madison and Jefferson Counties and people from Butte to discuss the Beaverhead Deer Lodge National Forest Plan.. Committee recommends that Communication No. 09-73 be placed on file.

#### SECTION VIII COMMUNICATION NO. 09-83

Karen Byrnes, Community Development Director, requesting time on 2/18/09 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget. *Committee recommends that Communication No. 09-83 be placed on file.* 

#### SECTION IX COMMUNICATION NO. 09-84

Cindy McIlveen, Planning Specialist, requesting time on 2/11/09 agenda for a staff presentation and approval on 2/18/09 for endorsement of Comprehensive Parks, Recreation, Open Space and Trails Presentation. *Committee recommends that Communication No. 09-84 be held in abeyance*.

#### SECTION X COMMUNICATION NO. 09-106

Dori Skrukrud, Greenway Service District, requesting time on 3/4/09 agenda to conduct a bid opening for Silver Bow Creek Greenway Construction. *Committee recommends that Communication No. 09-106 be held for bid opening on 3/4/09* 

#### SECTION XI COMMUNICATION NO. 09-122

Mitzi Rossillon, Board Member Butte CPR, requesting time on the 2/18/09 agenda to present request for support for Citizen's for Preservation to submit a grant from Challenge CostShares and also a letter committing to a partnership. Committee recommends that Communication No. 09-122 be placed on file.

# FINANCE AND BUDGET COMMITTEE MEETING REPORT FEBRUARY 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

#### SECTION I COMMUNICATION NO. 09-66

Marijo Mac Donald, Law Library, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-66 be approved and placed on file.

#### SECTION II COMMUNICATION NO. 09-68

John Moodry, Weed Department, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-68 be approved and placed on file

#### SECTION III COMMUNICATION NO. 09-79

Stephen D. Hess, Acting Planning Director, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-79 be approved and placed on file.

#### SECTION IV COMMUNICATION NO. 09-89

Gary Keeler, Transit Director, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-89 be approved and placed on file.

#### SECTION V COMMUNICATION NO. 09-91

Steve Hess, Assistant Planning Director, requesting approval of line item budget transfers. Committee recommends that Communication No.09-91 be approved and placed on file.

#### SECTION VI COMMUNICATION NO. 09-99

Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 09-99 be approved and placed on file.* 

#### SECTION VII COMMUNICATION NO. 09-104

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-104 be approved and placed on file.

#### SECTION VIII COMMUNICATION NO. 09-107

Tim Clark, Personnel, Director, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-107 be approved and placed on file.

#### SECTION IX COMMUNICATION NO. 09-113

Teri Fischer, Office Manager Metro Sewer, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-113 be approved and placed on file.

#### SECTION X COMMUNICATION NO. 09-121

Phyllis Ruana, Animal Services, requesting approval of line item budget transfers. Committee recommends that Communication No. 09-121 be approved and placed on file.

#### SECTION XI EXPENDITURE APPROVAL

2/18/09 \$417,238.0

Committee approves \$335,298.51 and withheld Claim 7649 in the amount of \$399,641.96

#### JUDICIARY COMMITTEE MEETING REPORT FEBRUARY 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

#### SECTION I COUNCI

COUNCIL BILL NO. 09-1 ORDINANCE NO. 09-1

AN ORDINANCE AMENDING SECTION 4 OF THE ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SPEED LIMIT;" ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION WITH HARRISON AVENUE AND CONTINUING WEST ALONG HOLMES AVENUE TO THE INTERSECTIONS WITH ROWE ROAD AND CONTINUING NORTHWEST ON ROWE ROAD AT 300 FEET NORTH OF THE INTERSECTION WITH LEXINGTON AVENUE, AN APPROXIMATE DISTANCE OF 1.3 MILES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Bill No. 09-1, Ordinance No. 09-1 be moved to final reading.

#### SECTION II COUNCIL BILL NO. 09-2 ORDINANCE NO. 09

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB **BUTTE-SILVER** MC): **AMENDING** THE **BOW SUBDIVISION** REGULATIONS: AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11, REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD. AND CREATION OF APPENDIX A. FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Bill 09-2, Ordinance 09-2 be moved to second reading.

#### SECTION III COUNCIL RESOLUTION NO. 09-11

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE TO BE EXPENDED IN THE LAW ENFORCEMENT AGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Resolution No. 09-11 be moved to final reading.

#### SECTION IV COUNCIL RESOLUTION NO. 09-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE NATURAL RESOURCE DAMAGE PROGRAM TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO CONTINUE WORK ALONG THE SILVER BOW CREEK GREENWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Resolution No. 09-12 be moved to final reading

#### SECTION V COUNCIL RESOLUTION NO. 09-13

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED **REVENUE BUTTE-SILVER** TO THE **DEVELOPMENT DEPARTMENT** COMMUNITY FROM THE ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EOUIPMENT AND FINANCIAL SUPPORT TO THE GREENHOUSE NURSERY – HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Resolution No. 09-13 be moved to final reading.

#### SECTION VI COUNCIL RESOLUTION NO. 09-15

A RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS SERIES 2009 DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF. Committee recommends that Council Resolution No. 09-15 be moved to final reading.

#### SECTION VII CLAIM APPROVAL

8414	N. J. Lynch	\$2,501.25	Redeem Tax Assg.
7193	Breane Roseboom	44.00	Refund/Client Overpd. Acct.

Committee approves the above claims.

# PUBLIC WORKS COMMITTEE MEETING REPORT FEBRUARY 25, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

#### SECTION I COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. *Committee recommends that Communication No. 08-738 be held in abeyance.* 

#### SECTION II COMMUNICATION NO. 08-747

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns — Caledonia Street to Western Street. *Committee recommends that Communication No. 08-747 be placed on file.* 

#### SECTION III PETITION NO 09-1

John Harrington, Building Official, requesting on behalf of Wheeler Family LLC to close and vacate a portion of the alley within Block 1 of the Storey Addition and abutting the Spruce Lode Mining Claim. *Committee recommends to hold Petition No. 09-1 in Committee of the Whole* 

#### SECTION IV PETITION NO. 09-2

John Harrington, Building Official, requesting on behalf of Park Street Partnership, LLC to close and vacate an alley within the Lizzie Lode and the Colorado Lode. *Committee recommends to hold Petition No. 09-2 in Committee of the Whole*